

## REMARKS

In an Office Action dated 19 July 2005, the Examiner rejects all pending claims 1-35 on prior art grounds. In response, Applicants submit the present Amendment and Remarks which overcome the outstanding rejections. Herein, pending claims 1-35 are cancelled and new claims 36-59 are added. Applicants respectfully submit that the new claims 36-59 are novel and non-obvious with respect to the cited references. Entry and consideration of the Amendment and prompt issuance of a renewed Notice of Allowance is requested. The Examiner's particular rejections are now addressed in turn.

In the Office Action, claims 1-3 are rejected as lacking novelty under 35 U.S.C. §102(b) in view of European Patent No. 0897175 A2 to Clarke. The remaining claims 4-35 are rejected as being obvious over various combinations of Clarke, U.S. Patent No. 6,007,890 to DeBlander, U.S. Patent No. 5,266,143 to Albera, U.S. Patent No. 4,714,473 to Tschudin-Mahrer, and U.S. Patent No. 4,091,160 to Koss. These rejections are rendered moot in view of the present Amendment.

New independent claim 36 recites a sound shielding element comprising, *inter alia*, at least one panel or layer having a thickness between 0.05 and 0.3mm. This limitation is not found in Clarke which teaches an acoustical and structural micro-porous sheet having a thickness of 0.38mm. See, e.g., paragraph 0011. That is, Clarke does not anticipate Applicants' claimed thickness range. Moreover, Clarke does not render the claimed range obvious because Clarke teaches that its micro-porous sheet must be capable of functioning as a structural element and thus requires a thickness substantially greater than Applicants' claimed thickness. *Id.* Accordingly, claim 36 is novel and non-obvious with respect to Clarke.

New independent claim 37 recites a sound shielding element comprising, *inter alia*, at least one panel configured as a three-dimensionally shaped moulded part and injection moulded or pressed from synthetic material. This limitation is found nowhere in Clarke. Instead, the reference teaches a sheet, preferably a titanium sheet, having holes laser-

formed therethrough. Paragraph 0008, 0010, etc. Accordingly, claim 37 is novel and non-obvious with respect to Clarke.

New independent claims 38 and 45-52 recite sound shielding elements comprising, *inter alia*, at least one panel or layer variously configured as: an underbody lining of a motor vehicle; a roof lining in a passenger compartment of a motor vehicle; an injection-moulded cover unit for covering cables; a hat rack in a motor vehicle; a seat cover in a motor vehicle; door lining; an absorbing tube for air-conducting tubes; and a cover for covering at least part of an internal combustion engine. These limitations are not taught or suggested by Clarke which is directed specifically to an engine housing for an airplane. Accordingly, for at least these reasons, claims 38 and 45-52 are novel and non-obvious with respect to Clarke.

Moreover, with respect to Clarke, it is noted that the reference discloses the use of small perforations so as to maintain the structural integrity of the disclosed sheet. The reference does not teach or suggest Applicants' claimed relationship between hole diameter, hole to surface ratio, and panel thickness or optimization of sound shielding. That is, from the disclosure of Clarke, one of ordinary skill in the art would not reasonably come to reach Applicants' claimed invention.

For at least these reasons, the newly added claims 36-59 are novel and non-obvious over Clarke. Furthermore, the remaining relied-upon references do not remedy the deficiencies of Clarke.

DeBlander teaches acoustic insulating panels having cavities formed therein. The reference does not disclose perforations formed through the panel, as claimed by Applicants. Nor does DeBlander teach or suggested the claimed panel thicknesses.

Albera teaches formation of a soundproofing laminate composed of a heavy plastic substrate and porous material on one side and a carpet on the other side. The thickness of the double layer of the plastic substrate and porous material is far greater than the claimed

panel thickness. Additionally, the reference provides no teaching of hole diameters nor of hole to surface ratios.

Thschudin-Mahrer discloses formation of an absorption member by the combination of an open-cell foam layer and a thermoplastic stabilizing layer with a hollow space delimited therebetween. This reference fails to disclose the claimed hole diameters. Moreover, the reference fails to recognize Applicants' inventive consideration of the relationship between hole diameter, hole to surface ratio, and panel thickness in providing sound shielding.

Finally, Koss discloses an acoustical laminate but fails to teach or suggest the claimed hole diameters and hole to surface ratios.

For at least the reasons submitted herein, Applicants respectfully submit that the newly presented claims 36-59 are novel and non-obvious over the relied-upon references. Withdrawal of the rejections and an indication of allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorneys at the below-indicated telephone number regarding this Reply or otherwise concerning the present application. Applicants hereby petition for any necessary extension of time required for consideration and entry of the present Reply. Please charge any required fees for this Reply, or otherwise concerning the present application, to Deposit Account No. 06-1130 maintained by Applicants' attorney.

Respectfully submitted,

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